

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	CRIMINAL NO. _____
v.	:	DATE FILED: _____
TERRANCE DARBY	:	VIOLATIONS:
a/k/a "Tibbs,"	:	18 U.S.C. § 371 (conspiracy – 1 count)
a/k/a "Tibby,"	:	18 U.S.C. § 922(a)(1)(A) (dealing in firearms
ONTAVIOUS PLUMER,	:	without a license – 1 count)
a/k/a "Toot"	:	21 U.S.C. § 841(a)(1), (b)(1)(B) (possession
	:	with intent to distribute 5 grams or more of
	:	methamphetamine (actual) and 40 grams or
	:	more of a mixture or substance containing a
	:	detectable amount of fentanyl – 1 count)
	:	21 U.S.C. § 860(a) (possession with intent to
	:	distribute controlled substances within 1,000
	:	feet of a school – 1 count)
	:	18 U.S.C. § 924(c)(1)(A) (possession of a
	:	firearm in furtherance of a drug trafficking
	:	crime – 1 count)
	:	18 U.S.C. § 922(g)(1) (possession of a firearm
	:	by a felon – 1 count)
	:	18 U.S.C. § 2 (aiding and abetting)
	:	Notices of forfeiture

SUPERSEDING INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

At all times material to this superseding indictment:

1. Defendant TERRANCE DARBY, a/k/a "Tibbs," a/k/a "Tibby," was a resident of Philadelphia, Pennsylvania, was not a federal firearms licensee ("FFL"), and was not authorized to deal, import, or manufacture firearms under federal law.
2. Defendant ONTAVIOUS PLUMER, a/k/a "Toot," was a resident of South Carolina, was not a FFL, and was not authorized to deal, import, or manufacture firearms under federal law.

3. Person #1, a person known to the grand jury, was a resident of Philadelphia, Pennsylvania, was not a FFL, and was not authorized to deal, import, or manufacture firearms under federal law.

4. Person #2, a person known to the grand jury, was a resident of South Carolina, was not a FFL, and was not authorized to deal, import, or manufacture firearms under federal law.

5. Person #3, a person known to the grand jury, was a resident of South Carolina, was not a FFL, and was not authorized to deal, import, or manufacture firearms under federal law.

6. Person #4, a person known to the grand jury, was a resident of South Carolina, was not a FFL, and was not authorized to deal, import, or manufacture firearms under federal law.

7. The following businesses possessed an FFL license and were authorized to deal in firearms under federal laws:

FFL	Location
Anderson Gun and Pawn	1309 South Murray Avenue, Anderson, South Carolina
Grady's Great Outdoors	3440 Clemson Boulevard, Anderson, South Carolina
Academy Sports + Outdoors #154	3423 Clemson Boulevard, Anderson, South Carolina
B&B Sporting Goods and Pawn	2001 South Main Street, Anderson, South Carolina
Palmetto State Armory - Greenville	1040A Woodruff Road, Greenville, South Carolina
Palmetto State Armory - Columbia	3760 Fernandina Road, Columbia, South Carolina
Sportsman's Warehouse	3795 Clemson Boulevard, Anderson, South Carolina
South Carolina Gun Company	242 West Wade Hampton Boulevard, Greer, South Carolina
City Arsenal	1210 Poinsett Highway, Greenville, South Carolina

8. FFL holders are licensed, among other things, to sell firearms. Various rules and regulations, promulgated under the authority of Chapter 44, Title 18, United States Code, govern the manner in which FFL holders are permitted to sell firearms.

9. The rules and regulations governing FFL holders require that a person seeking to purchase a firearm fill out a Firearm Transaction Record, ATF Form 4473 ("Form 4473"). Part of the Form 4473 requires that the prospective purchaser certify that all his or her answers on Form 4473 are true and correct. The Form 4473 requires that the prospective purchaser certify truthfully, subject to penalties of perjury, that he or she was the actual buyer of the firearm. The Form 4473 contains the following language in bold type: "Warning: You are not the actual buyer if you are acquiring the firearm(s) on behalf of another person. If you are not the actual buyer, the dealer cannot transfer the firearm(s) to you." In the certification section of the Form 4473, the actual buyer must certify that his or her answers to the questions on the form are "true, correct, and complete," and acknowledge by his or her signature that "making any false oral or written statement . . . is a crime punishable as a felony under Federal law, and may also violate State and/or local law."

10. FFL holders are required to maintain a record, in the form of a completed Form 4473, of the identity of the actual buyer of firearms sold by the FFL holder, including the buyer's home address and date of birth, to ensure that the person was not prohibited from purchasing a firearm.

11. A person who purchases a firearm at the behest of another person and falsely states on the Form 4473 that he or she is the actual buyer of the firearm is known as a "straw purchaser."

12. From at least as early as in or around November 2020 through in or around February 2021, in in the Eastern District of Pennsylvania, the District of South Carolina, and elsewhere, defendants

**TERRANCE DARBY,
a/k/a "Tibbs,"
a/k/a "Tibby," and
ONTAVIOUS PLUMER,
a/k/a "Toot,"**

conspired and agreed, together and with Person #1, Person #2, Person #3, and Person #4, all known to the grand jury, and others known and unknown to the grand jury, to commit offenses against the United States, that is, to engage in the business of dealing firearms without being licensed to do so, in violation of Title 18, United States Code, Section 922(a)(1)(A); and to make a false statement with respect to the information required to be kept in the records of a federally licensed firearms dealer, in violation of Title 18, United States Code, Section 924(a)(1)(A).

MANNER AND MEANS

It was part of the conspiracy that:

13. Defendant ONTAVIOUS PLUMER instructed Person #2 and Person #3 to purchase firearms at FFLs in South Carolina, with the intention that these firearms would be transported to defendant TERRANCE DARBY and Person #1 in Philadelphia, Pennsylvania.

14. Defendant ONTAVIOUS PLUMER paid Person #2 and Person #3 using mobile banking applications, including Cash App, to purchase firearms from FFLs in South Carolina.

15. Person #2 and Person #3 purchased firearms from federally licensed firearms dealers in South Carolina, knowing that the firearms were being purchased for other individuals and that these firearms would be transported to Philadelphia and given to defendant TERRANCE DARBY and Person #1.

16. Person #2 and Person #3 falsely stated on the Form 4473 for each firearm purchase that they were the actual purchaser of the firearms, when in fact they knew this statement was false and they purchased the firearms for others, including defendant TERRANCE DARBY and Person #1.

17. Defendant ONTAVIOUS PLUMER communicated with defendant TERRANCE DARBY and Person #1 about the purchases of the firearms by Person #2 and Person #3, and coordinated the transport by Person #2 and Person #4 of these firearms from South Carolina to Philadelphia, Pennsylvania.

18. Person #2, Person #3, and Person #4 traveled from South Carolina to Philadelphia, Pennsylvania with the firearms and transferred the firearms to defendant TERRANCE DARBY and Person #1.

19. Defendant TERRANCE DARBY and Person #1 received the purchased firearms and planned to resell the firearms.

OVERT ACTS

In furtherance of the conspiracy and to accomplish its objects, the following overt acts, among others, were committed in the Eastern District of Pennsylvania, the District of South Carolina, and elsewhere:

1. On or about November 20 and November 21, 2020, at the direction of defendant ONTAVIOUS PLUMER, Person #2 purchased the following firearms:

Date of Purchase	Federal Firearms Licensee	Firearm	Serial Number	Purchaser
11/20/2020	Anderson Gun and Pawn	Beretta, model APX, 9mm semi-automatic pistol	A098483X	Person #2
11/20/2020	Anderson Gun and Pawn	Beretta, model APX, 9mm semi-automatic pistol	A098465X	Person #2
11/20/2020	Grady's Great Outdoors	Taurus, Judge series, .45 caliber revolver	ABL097569	Person #2

11/20/2020	Grady's Great Outdoors	Taurus, Judge series, .45 caliber revolver	ABJ941959	Person #2
11/20/2020	Grady's Great Outdoors	Taurus, Judge series, .45 caliber revolver	ABK062912	Person #2
11/20/2020	Grady's Great Outdoors	Taurus, model G3, 9mm semi-automatic pistol	ABJ945226	Person #2
11/21/2020	Grady's Great Outdoors	Smith & Wesson, model SD40, .40 caliber semi-automatic pistol	FCU0160	Person #2
11/21/2020	Grady's Great Outdoors	Smith & Wesson, model SD40, .40 caliber semi-automatic pistol	FCW3015	Person #2
11/21/2020	Grady's Great Outdoors	Ruger, Security-9, 9mm semi-automatic pistol	383-61872	Person #2
11/21/2020	Academy Sports + Outdoors # 154	Smith & Wesson, model MP40, .40 caliber semi-automatic pistol	JFN7241	Person #2
11/21/2020	Academy Sports + Outdoors # 154	Ruger, Security-9, 9mm semi-automatic pistol	383-84606	Person #2
11/21/2020	Academy Sports + Outdoors # 154	Smith & Wesson, model SD40VE, .40 caliber semi-automatic pistol	FCU8997	Person #2
11/21/2020	Academy Sports + Outdoors # 154	Ruger, Security-9, 9mm semi-automatic pistol	383-69030	Person #2

2. On or about November 27 and November 28, 2020, at the direction of defendant ONTAVIOUS PLUMER, Person #2 and Person #3 purchased the following firearms:

Date of Purchase	Federal Firearms Licensee	Firearm	Serial Number	Purchaser
11/27/2020	Grady's Great Outdoors	Glock, model 48, 9mm semi-automatic pistol	BRUD021	Person #2
11/27/2020	Grady's Great Outdoors	Smith & Wesson, model SD9, 9mm semi-automatic pistol	FCJ0371	Person #2
11/27/2020	Grady's Great Outdoors	Smith & Wesson, model SD40, .40 caliber semi-automatic pistol	FCR2029	Person #2
11/27/2020	B&B Sporting Goods and Pawn	Smith & Wesson, model SD40VE, .40 caliber semi-automatic pistol	HEY8477	Person #2
11/27/2020	B&B Sporting Goods and Pawn	Smith & Wesson, model SD40VE, .40 caliber semi-automatic pistol	FBB2962	Person #2

11/27/2020	B&B Sporting Goods and Pawn	Smith & Wesson, model 4040, .40 caliber semi-automatic pistol	USC9960	Person #2
11/27/2020	Palmetto State Armory - Greenville	Glock, model 44, .22 caliber semi-automatic pistol	AEMA839	Person #3
11/27/2020	Palmetto State Armory - Greenville	Glock, model 43, 9mm semi-automatic pistol	AEWG856	Person #3
11/27/2020	Palmetto State Armory - Greenville	Glock, model 43, 9mm semi-automatic pistol	AEWV822	Person #3
11/28/2020	Palmetto State Armory - Greenville	Smith & Wesson, model SD9VE, 9mm semi-automatic pistol	FCV9142	Person #2
11/28/2020	B&B Sporting Goods and Pawn	Glock, model 44, .22 caliber semi-automatic pistol	AEHK404	Person #3
11/28/2020	B&B Sporting Goods and Pawn	Glock, model 44, .22 caliber semi-automatic pistol	AEFZ395	Person #3
11/28/2020	B&B Sporting Goods and Pawn	Smith & Wesson, model 4046, .40 caliber semi-automatic pistol	TDS8937	Person #3
11/28/2020	B&B Sporting Goods and Pawn	Smith & Wesson, model M&P 45, .22 caliber semi-automatic pistol	HST6669	Person #3

3. On or about December 27, 2020, defendant TERRANCE DARBY told defendant ONTAVIOUS PLUMER that defendant DARBY had requests for FN firearms, and asked if defendant PLUMER was “still able to make it happen.” Defendant PLUMER responded that he could “make it happen” and quoted defendant DARBY a price of “12-1600” for “the ones that shoot 9 mm bullets.”

4. In late December 2020 and early January 2021, defendants ONTAVIOUS PLUMER and TERRANCE DARBY agreed that defendant PLUMER would supply firearms to defendant DARBY in Philadelphia for approximately \$6,800, in exchange for defendant DARBY sending controlled substances to South Carolina.

5. On or about January 8, 2021, at the direction of defendant ONTAVIOUS

PLUMER, Person #2 and Person #3 purchased the following firearms:

Date of Purchase	Federal Firearms Licensee	Firearm	Serial Number	Purchaser
1/8/2021	Sportsman's Warehouse	Glock, model 19, 9mm semi-automatic pistol	BNYP686	Person #2
1/8/2021	Sportsman's Warehouse	Beretta, model APX, 9mm semi-automatic pistol	A118611X	Person #2
1/8/2021	Grady's Great Outdoors	Smith & Wesson, model SD40VE, .40 caliber semi-automatic pistol	FCR9812	Person #2
1/8/2021	Grady's Great Outdoors	Taurus, model G3, 9mm semi-automatic pistol	ABN377437	Person #2
1/8/2021	Grady's Great Outdoors	Glock, model 19, 9mm semi-automatic pistol	BEBG379	Person #2
1/8/2021	Grady's Great Outdoors	Smith & Wesson, M&P9 Shield, 9mm semi-automatic pistol	RJL8351	Person #3
1/8/2021	Grady's Great Outdoors	Glock, model 43, 9mm semi-automatic pistol	RJL9085	Person #3
1/8/2021	Grady's Great Outdoors	Glock, model 43, 9mm semi-automatic pistol	RJJ3740	Person #3

6. On or about January 8, 2021, defendant ONTAVIOUS PLUMER told defendant TERRANCE DARBY, "Asa hit me I'm coming your way tomorrow wit straps n I need da dog." Defendant DARBY asked in response, "What u bringing?" and defendant PLUMER responded that he would try to obtain 10 firearms, and defendant DARBY responded, "... hope all new. Don't wanna get stuck wit nothing used."

7. On or about January 9, 2021:

a. Defendant ONTAVIOUS PLUMER told defendant TERRANCE DARBY that he had "8 total." Defendant PLUMER told defendant DARBY that it would cost "6800 for da 8 guns."

b. At the direction of defendant ONTAVIOUS PLUMER, Person #2 transported firearms by car from South Carolina to Philadelphia, Pennsylvania and gave the firearms to defendant TERRANCE DARBY.

8. On or about January 10, 2021, defendant ONTAVIOUS PLUMER told Person #3 to purchase certain firearms, to which Person #3 responded, "Okay."

9. On or about January 10 and January 11, 2021, at the direction of defendant ONTAVIOUS PLUMER, Person #3 purchased the following firearms:

Date of Purchase	Federal Firearms Licensee	Firearm	Serial Number	Purchaser
1/10/2021	Palmetto State Armory - Greenville	Smith & Wesson, model SD40VE, .40 caliber semi-automatic pistol	FCL3090	Person #3
1/10/2021	Palmetto State Armory - Greenville	Smith & Wesson, model SD40VE, .40 caliber semi-automatic pistol	FCR1969	Person #3
1/11/2021	Anderson Gun and Pawn	Kahr, model CW45, .45 caliber semi-automatic pistol	SG3002	Person #3

10. On or about January 12, 2021, defendant ONTAVIOUS PLUMER told defendant TERRANCE DARBY that he had firearms, and that these firearms would be transported to defendant DARBY. Defendant PLUMER asked defendant DARBY for a "pay advance."

11. On or about January 13, 2021, at the direction of defendant ONTAVIOUS PLUMER, Person #2 and Person #4 transported firearms by car from South Carolina to Philadelphia, Pennsylvania, and gave the firearms to defendant TERRANCE DARBY.

12. On or about January 14, 2021, at the direction of defendant ONTAVIOUS PLUMER, Person #2 purchased the following firearms:

Date of Purchase	Federal Firearms Licensee	Firearm	Serial Number	Purchaser
1/14/2021	South Carolina Gun Company	Smith & Wesson, model MP40, .40 caliber semi-automatic pistol	NEJ0435	Person #2
1/14/2021	South Carolina Gun Company	Smith & Wesson, model MP40, .40 caliber semi-automatic pistol	HLH1207	Person #2

1/14/2021	South Carolina Gun Company	Smith & Wesson, model MP40, .40 caliber semi-automatic pistol	HLL8291	Person #2
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13. On or about January 15, 2021, defendant ONTAVIOUS PLUMER sent defendant TERRANCE DARBY photographs of three firearms, and told defendant DARBY that these were “all 40s.” Defendant PLUMER told defendant DARBY that he would be “getting [the] rest in the am” and that these firearms would cost \$1,100. Defendant DARBY confirmed that he wanted these firearms. Defendant PLUMER responded that he would pick up some more “hardware” and then would be “hitting road.”

14. On or about January 17, 2021, at the direction of defendant ONTAVIOUS PLUMER, Person #2 purchased the following firearms:

Date of Purchase	Federal Firearms Licensee	Firearm	Serial Number	Purchaser
1/17/2021	Palmetto State Armory - Columbia	Smith & Wesson, model SD9VE, 9mm semi-automatic pistol	FCN8128	Person #2
1/17/2021	Palmetto State Armory - Columbia	Smith & Wesson, model SD40VE, .40 caliber semi-automatic pistol	FCZ6643	Person #2
1/17/2021	Palmetto State Armory - Columbia	Taurus, model GC3, 9mm semi-automatic pistol	ABN361120	Person #2

15. On or about January 18, 2021, defendant ONTAVIOUS PLUMER told defendant TERRANCE DARBY that the firearms were being transported to “your city.” Defendant PLUMER then asked defendant DARBY if he had “ice,” to which defendant DARBY responded that it would cost \$5,000 per bag.

16. On or about January 18, 2021, at the direction of defendant ONTAVIOUS PLUMER, Person #2 and Person #4 transported firearms by car from South Carolina to Philadelphia, Pennsylvania.

17. On or about January 21, 25 and 26, 2021, at the direction of defendant ONTAVIOUS PLUMER, Person #2 and Person #3 purchased the following firearms:

Date of Purchase	Federal Firearms Licensee	Firearm	Serial Number	Purchaser
1/21/2021	B&B Sporting Goods and Pawn	Ruger, model SR9c, 9mm semi-automatic pistol	339-18799	Person #3
1/21/2021	B&B Sporting Goods and Pawn	Smith & Wesson, model M&P, semi-automatic pistol	NFD1490	Person #3
1/25/2021	Anderson Gun and Pawn	Springfield Defender, 9mm semi-automatic pistol	BY565525	Person #3
1/25/2021	Anderson Gun and Pawn	Smith & Wesson, model MP40C, .40 caliber semi-automatic pistol	HRX7505	Person #3
1/25/2021	B&B Sporting Goods and Pawn	Ruger, model 9E, 9mm semi-automatic pistol	338-1248	Person #3
1/25/2021	B&B Sporting Goods and Pawn	Smith & Wesson, model SW9GVE, 9mm semi-automatic pistol	PB23904	Person #3
1/26/2021	B&B Sporting Goods and Pawn	Taurus, model G2C, 9mm semi-automatic pistol	ABL194818	Person #2

18. On or about January 25 and 26, 2021, defendant ONTAVIOUS PLUMER and Person #2 discussed purchasing firearms and transporting them to Philadelphia, Pennsylvania. On January 26, 2021, defendant PLUMER told Person #2 to purchase firearms and drive to Philadelphia. Person #2 responded that he/she was on his/her way to Philadelphia with firearms. Defendant PLUMER told Person #2 that he/she would be meeting Person #1, and provided Person #1's cell phone number.

19. On or about January 27, 2021, at the direction of defendant ONTAVIOUS PLUMER, Person #2 and Person #4 transported firearms by car from South Carolina to Philadelphia, Pennsylvania, and gave the firearms to Person #1.

20. On or about January 28, 2021, at the direction of defendant ONTAVIOUS PLUMER, Person #2 purchased the following firearms:

Date of Purchase	Federal Firearms Licensee	Firearm	Serial Number	Purchaser
1/28/2021	Palmetto State Armory	Smith & Wesson, model SD40VE, .40 caliber semi-automatic pistol	FCY5101	Person #2
1/28/2021	Palmetto State Armory	Smith & Wesson, model SD9VE, 9mm semi-automatic pistol	FCZ3184	Person #2
1/28/2021	Palmetto State Armory	Taurus, model GC3, 9mm semi-automatic pistol	ABN357074	Person #2
1/28/2021	City Arsenal	Smith & Wesson, model SD40VE, .40 caliber semi-automatic pistol	FCY1145	Person #2
1/28/2021	City Arsenal	FN Herstal, model 503, 9mm semi-automatic pistol	CV010947	Person #2
1/28/2021	Grady's Great Outdoors	FN Herstal, model 503, 9mm semi-automatic pistol	CV014843	Person #2

21. On or about February 5, 2021, defendant ONTAVIOUS PLUMER told Person #2 that he would like Person #2 to take another trip to Philadelphia. Person #2 then told Person #4, "we mite be going to philly soon." Person #4 responded, "Okay let him know my price is \$500." Person #2 responded, "He knows."

22. On or about February 10, 2021, defendant ONTAVIOUS PLUMER told Person #2 to leave for Philadelphia the next morning.

23. On or about February 11, 2021, at the direction of defendant ONTAVIOUS PLUMER, Person #2 and Person #4 transported firearms by car from South Carolina to Philadelphia, Pennsylvania, and gave the firearms to defendant TERRANCE DARBY.

All in violation of Title 18, United States Code, Section 371.

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

At all times material to this superseding indictment:

1. Paragraphs 1, 2, 13 through 19, and Overt Acts 1 through 23 of Count One are incorporated here.

2. From at least as early as in or around November 2020 through in or around February 2021, in the Eastern District of Pennsylvania, the District of South Carolina, and elsewhere, defendants

**TERRANCE DARBY,
a/k/a "Tibbs,"
a/k/a "Tibby," and
ONTAVIOUS PLUMER,
a/k/a "Toot,"**

willfully engaged in the business of dealing in firearms without being licensed to do so under the provisions of Chapter 44, Title 18, United States Code, and aided and abetted the same.

In violation of Title 18, United States Code, Sections 922(a)(1)(A), 924(a)(1)(D) and 2.

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

On or about November 10, 2021, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**TERRANCE DARBY,
a/k/a "Tibbs,"
a/k/a "Tibby,"**

knowingly and intentionally possessed with the intent to distribute five grams or more, that is, approximately 42.3 grams of methamphetamine, a Schedule II controlled substance, and 40 grams or more, that is, approximately 153.7 grams of a mixture or substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide ("fentanyl"), a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(B).

COUNT FOUR

THE GRAND JURY FURTHER CHARGES THAT:

On or about November 10, 2021, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**TERRANCE DARBY,
a/k/a "Tibbs,"
a/k/a "Tibby,"**

knowingly and intentionally possessed with the intent to distribute five grams or more that is, approximately 42.3 grams of methamphetamine, a Schedule II controlled substance, and 40 grams or more, that is, approximately 153.7 grams of a mixture or substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]propanamide ("fentanyl"), a Schedule II controlled substance, within 1,000 feet of the real property of the Robert E. Lamberton Elementary School, a private elementary school, located at 7501 Woodbine Avenue, Philadelphia, Pennsylvania, in violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(B).

In violation of Title 21, United States Code, Section 860(a).

COUNT FIVE

THE GRAND JURY FURTHER CHARGES THAT:

On or about November 10, 2021, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**TERRANCE DARBY,
a/k/a "Tibbs,"
a/k/a "Tibby,"**

knowingly possessed a firearm, that is, at least one of the following: (1) a Chiappa Rhino, model 200DS, .357 caliber revolver, bearing serial number RH0187, loaded with six live rounds of ammunition; and (2) a Smith & Wesson, model SD40, 9mm semi-automatic pistol, bearing serial number FCY8066, loaded with 13 live rounds of ammunition, in furtherance of a drug trafficking crime for which he may be prosecuted in a Court of the United States, that is, possession with intent to distribute five grams or more of methamphetamine, a Schedule II controlled substance, and 40 grams or more of a mixture or substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]propanamide ("fentanyl"), a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1), as charged in Count Three of this indictment.

In violation of Title 18, United States Code, Section 924(c)(1)(A)(i).

COUNT SIX

THE GRAND JURY FURTHER CHARGES THAT:

On or about November 10, 2021, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**TERRANCE DARBY,
a/k/a "Tibbs,"
a/k/a "Tibby,**

knowing he had previously been convicted in a court of the Commonwealth of Pennsylvania of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed a firearm, that is, at least one of the following: (1) a Chiappa Rhino, model 200DS, .357 caliber revolver, bearing serial number RH0187, loaded with six live rounds of ammunition; and (2) a Smith & Wesson, model SD40, 9mm semi-automatic pistol, bearing serial number FCY8066, loaded with 13 live rounds of ammunition, and the firearm was in and affecting interstate and foreign commerce.

In violation of Title 18, United States Code, Section 922(g)(1).

NOTICE OF FORFEITURE 1**THE GRAND JURY FURTHER CHARGES THAT:**

As a result of the violation of Title 18, United States Code, Sections 371, 922(a)(1)(A), and 924(a)(1)(D), set forth in this superseding indictment, defendants

**TERRANCE DARBY,
a/k/a "Tibbs,"
a/k/a "Tibby," and
ONTAVIOUS PLUMER,
a/k/a "Toot,"**

shall forfeit to the United States of America the firearms involved in the commission of such violations, including:

#	Firearm	Serial Number
1	Beretta, model APX, 9mm semi-automatic pistol	A098483X
2	Beretta, model APX, 9mm semi-automatic pistol	A098465X
3	Taurus, Judge series, .45 caliber revolver	ABL097569
4	Taurus, Judge series, .45 caliber revolver	ABJ941959
5	Taurus, Judge series, .45 caliber revolver	ABK062912
6	Taurus, model G3, 9mm semi-automatic pistol	ABJ945226
7	Smith & Wesson, model SD40, .40 caliber semi-automatic pistol	FCU0160
8	Smith & Wesson, model SD40, .40 caliber semi-automatic pistol	FCW3015
9	Ruger, Security-9, 9mm semi-automatic pistol	383-61872
10	Smith & Wesson, model MP40, .40 caliber semi-automatic pistol	JFN7241
11	Ruger, Security-9, 9mm semi-automatic pistol	383-84606
12	Smith & Wesson, model SD40VE, .40 caliber semi-automatic pistol	FCU8997
13	Ruger, Security-9, 9mm semi-automatic pistol	383-69030
14	Glock, model 48, 9mm semi-automatic pistol	BRUD021
15	Smith & Wesson, model SD9, 9mm semi-automatic pistol	FCJ0371
16	Smith & Wesson, model SD40, .40 caliber semi-automatic pistol	FCR2029
17	Smith & Wesson, model SD40VE, .40 caliber semi-automatic pistol	HEY8477
18	Smith & Wesson, model SD40VE, .40 caliber semi-automatic pistol	FBB2962
19	Smith & Wesson, model 4040, .40 caliber semi-automatic pistol	USC9960

20	Glock, model 44, .22 caliber semi-automatic pistol	AEMA839
21	Glock, model 43, 9mm semi-automatic pistol	AEWG856
22	Glock, model 43, 9mm semi-automatic pistol	AEWV822
23	Smith & Wesson, model SD9VE, 9mm semi-automatic pistol	FCV9142
24	Glock, model 44, .22 caliber semi-automatic pistol	AEHK404
25	Glock, model 44, .22 caliber semi-automatic pistol	AEFZ395
26	Smith & Wesson, model 4046, .40 caliber semi-automatic pistol	TDS8937
27	Smith & Wesson, model M&P 45, .22 caliber semi-automatic pistol	HST6669
28	Glock, model 19, 9mm semi-automatic pistol	BNYP686
29	Beretta, model APX, 9mm semi-automatic pistol	A118611X
30	Smith & Wesson, model SD40VE, .40 caliber semi-automatic pistol	FCR9812
31	Taurus, model G3, 9mm semi-automatic pistol	ABN377437
32	Glock, model 19, 9mm semi-automatic pistol	BEBG379
33	Smith & Wesson, M&P9 Shield, 9mm semi-automatic pistol	RJL8351
34	Glock, model 43, 9mm semi-automatic pistol	RJL9085
35	Glock, model 43, 9mm semi-automatic pistol	RJJ3740
36	Smith & Wesson, model SD40VE, .40 caliber semi-automatic pistol	FCL3090
37	Smith & Wesson, model SD40VE, .40 caliber semi-automatic pistol	FCR1969
38	Kahr, model CW45, .45 caliber semi-automatic pistol	SG3002
39	Smith & Wesson, model MP40, .40 caliber semi-automatic pistol	NEJ0435
40	Smith & Wesson, model MP40, .40 caliber semi-automatic pistol	HLH1207
41	Smith & Wesson, model MP40, .40 caliber semi-automatic pistol	HLL8291
42	Smith & Wesson, model SD9VE, 9mm semi-automatic pistol	FCN8128
43	Smith & Wesson, model SD40VE, .40 caliber semi-automatic pistol	FCZ6643
44	Taurus, model GC3, 9mm semi-automatic pistol	ABN361120
45	Ruger, model SR9c, 9mm semi-automatic pistol	339-18799
46	Smith & Wesson, model M&P, semi-automatic pistol	NFD1490
47	Springfield Defender, 9mm semi-automatic pistol	BY565525
48	Smith & Wesson, model MP40C, .40 caliber semi-automatic pistol	HRX7505
49	Ruger, model 9E, 9mm semi-automatic pistol	338-1248

50	Smith & Wesson, model SW9GVE, 9mm semi-automatic pistol	PB23904
51	Taurus, model G2C, 9mm semi-automatic pistol	ABL194818
52	Smith & Wesson, model SD40VE, .40 caliber semi-automatic pistol	FCY5101
53	Smith & Wesson, model SD9VE, 9mm semi-automatic pistol	FCZ3184
54	Taurus, model GC3, 9mm semi-automatic pistol	ABN357074
55	Smith & Wesson, model SD40VE, .40 caliber semi-automatic pistol	FCY1145
56	FN Herstal, model 503, 9mm semi-automatic pistol	CV010947
57	FN Herstal, model 503, 9mm semi-automatic pistol	CV014843

All pursuant to Title 28, United States Code, Section 2461(c), and Title 18, United States Code, Section 924(d).

NOTICE OF FORFEITURE 2

THE GRAND JURY FURTHER CHARGES THAT:

1. As a result of the violation of Title 21, United States Code, Section 841(a)(1) set forth in this superseding indictment, defendant,

**TERRANCE DARBY,
a/k/a "Tibbs,"
a/k/a "Tibby,"**

shall forfeit to the United States of America:

(a) any property, used or intended to be used, in any manner or part, to commit, or facilitate the commission of, such violation; including but not limited to:

- i. a Chiappa Rhino, model 200DS, .357 caliber revolver, bearing serial number RH0187;
- ii. a Smith & Wesson, model SD40, 9mm semi-automatic pistol, bearing serial number FCY8066;
- iii. six live rounds of .357 caliber ammunition;
- iv. thirteen live rounds of 9mm ammunition;
- v. fourteen live rounds of 9mm ammunition; and

(b) any property constituting, or derived from, proceeds obtained, directly or indirectly, from the commission of such violation, including but not limited to: the sum of approximately \$75,246 in U.S. Currency.

2. If any of the property subject to forfeiture, as a result of any act or omission of the defendant:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;

- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided

without difficulty;

it is the intent of the United States, pursuant to Title 28, United States Code, Section 2461(c), incorporating Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the property subject to forfeiture.

All pursuant to Title 21, United States Code, Section 853.

NOTICE OF FORFEITURE 3

THE GRAND JURY FURTHER CHARGES THAT:

As a result of the violations of Title 18, United States Code, Sections 924(c)(1)(A)(i) and 922(g)(1) set forth in this superseding indictment, defendant

**TERRANCE DARBY,
a/k/a "Tibbs,"
a/k/a "Tibby,"**

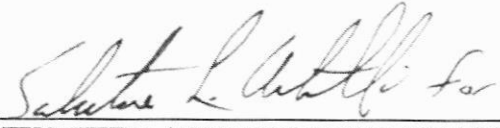
shall forfeit to the United States of America all firearms and ammunition involved in the commission of such violations, including, but not limited to:

1. a Chiappa Rhino, model 200DS, .357 caliber revolver, bearing serial number RH0187;
2. a Smith & Wesson, model SD40, 9mm semi-automatic pistol, bearing serial number FCY8066;
3. six live rounds of .357 caliber ammunition;
4. thirteen live rounds of 9mm ammunition; and
5. fourteen live rounds of 9mm ammunition.

All pursuant to Title 28, United States Code, Section 2461(c) and Title 18, United States Code, Section 924(d).

A TRUE BILL:


GRAND JURY FOREPERSON


JENNIFER ARBITTIER WILLIAMS
United States Attorney

No. 22cr22-----

UNITED STATES DISTRICT COURT

Eastern District of Pennsylvania

Criminal Division

THE UNITED STATES OF AMERICA

vs.

TERRANCE DARBY

a/k/a "Tibbs,"

a/k/a "Tibby,"

ONTAVIOUS PLUMER, a/k/a "Toot"

SUPERSEDING INDICTMENT

18 U.S.C. § 371 (conspiracy – 1 count)
18 U.S.C. § 922(a)(1)(A) (dealing in firearms without a license – 1 count)
21 U.S.C. § 841(a)(1), (b)(1)(B) (possession with intent to distribute 5 grams or more of methamphetamine (actual) and 40 grams or more of a mixture or substance containing a detectable amount of fentanyl – 1 count)
21 U.S.C. § 860(a) (possession with intent to distribute controlled substances within 1,000 feet of a school – 1 count)
18 U.S.C. § 924(c)(1)(A) (possession of a firearm in furtherance of a drug trafficking crime – 1 count)
18 U.S.C. § 922(g)(1) (possession of a firearm by a felon – 1 count)
18 U.S.C. § 2 (aiding and abetting)

Notices of forfeiture

A true bill

Filed in open court this 9th day,
Of June A.D. 20 22

Clerk

Bail, \$
